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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/750,020

Applicant(s)

THALANANY ET AL.

Examiner

Paras Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9, 13-18, 21-27, 29, 32-37, 41 and 44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 13-18, 21-27, 29, 32-37, 41, and 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. This communication is in response to the Application filed on 10/15/2007. Claims 1-7, 9, 13-18, 21-27, 29, 32-37, 41, and 44 remain pending and have been examined. The Applicants' amendment and remarks have been carefully considered, but they are not persuasive and do not place the claims in condition for allowance. Accordingly, this action has been made FINAL.
2. All previous objections and rejections directed to the Applicant's disclosure and claims not discussed in this Office Action have been withdrawn by the Examiner.

### ***Change of Art Units***

3. It should be note that the Examiner has changed art units, which was formerly 2609. The Examiner's new art unit is 2626.

### ***Response to Arguments***

4. Applicant's arguments (pages 10-15) filed on 10/15/2007 with regard to 1-7, 9, 13-18, 21-27, 29, 32-37, 41, and 44 have been fully considered but they are moot in view of new grounds for rejection. Due to the newly added limitations, a new reference was applied. The added limitations comprise the language "weighting said speech energy levels by said corresponding dynamic priority level).

***Response to Amendment***

6. Applicants' amendments filed on 10/15/2007 have been fully considered. The newly amended limitations necessitate new grounds of rejection.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rigstad *et al.* (US 6,044,150) in view of Dorenbosch *et al.* (US 2003/0235184).

As to claims 1-3 and 42, Rigstad *et al.* teaches a method for talker arbitration, comprising:

receiving a speech energy levels of a current talker and a prospective talker in a communication session (see col. 10, lines 6-11) (e.g. In the cited section, the host in this case is the current talker or the remote party depending on who has the floor. Energy levels are analyzed. The prospective talker is the one that has higher speech energy.);

selecting said prospective talker based on said speech energy level of said prospective talker in comparison to said speech energy level of said current talker (see col. 10, lines 9-11) (e.g. It is described that the higher energy level is selected. In col. 10, lines 3-11 the predetermined threshold (set from past voice

information) of the host (current talker) as mentioned is based on the energy level of the host (current talker) and therefore set from the energy level of the host (current talker). In other words, the threshold is set to the energy level of the host (current talker). If the energy level of the remote user (prospective talker) is higher than the threshold level, then the floor (use of channel) is given to the remote user (prospective talker). Otherwise, the floor (use of channel) remains with the host (current talker). The use of the threshold by using the energy level of the host (current talker) solves the problem for assigning the floor (channel) to a respective user. Hence, the ability to access or gain the floor is dependent upon the energy level of the host (current talker) as stated in claim 1, where the energy level of the prospective talker is compared to the energy level of the current talker and the floor is given to the prospective talker if higher than the energy level of the current talker.); and

granting said selected prospective talker floor control of said communication session (see lines 3-11) (e.g. The one who has the higher energy will have floor control.)

However, Rigstad *et al.* does not teach the use of dynamic priority levels based on number of times each talker has been granted floor control.

Dorenbosch *et al.* does teach the use of dynamic priority levels based on number of times each talker has been granted floor control (see [0049], round robin algorithm for granting floor is used. The priority levels are dynamic since

the number of times each user is granted floor changes as the number of grants increase or decrease.

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have combined the talker arbitration of Rigstad *et al.* with the use of priority level taught by Dorenbosch *et al.* The motivation to have combined the two references involves another parameter for allowing the talker to control floor and for allowing arbitration among users (see Dorenbosch *et al.*, [0049]), which would benefit the talker arbitration of Rigstad *et al.* allowing the use of speech energy as well as user priority in order to gain the floor as taught by Dorenbosch *et al.*

However, Rigstad *et al.* in view of Dorenbosch *et al.* do not specifically teach the weighting of the speech energy level with the dynamic priority level.

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have combined the talker arbitration of Rigstad *et al.* in view of Dorenbosch *et al.* with the adjustment of speech energy. The motivation to have combined the references involves alternative method for priority for arbitration when granting floor (see Dorenbosch *et al.* [0049]). It would have been obvious to weight energy levels to a parameter such as number of time granted floor in order to include other factors when arbitrating floors such that the result is not biased towards one parameter and for robustness.

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As to claims 4 and 5, Rigstad *et al.* in view of Dorenbosch *et al.* teach all of the limitations as in claim 1, above.

Furthermore, Dorenbosch *et al.* teaches mobile station for signaling floor control request (see [0016], mobile station, and [0049], media gateway 120 and media gateway controller 130 maintains floor requests for callers.).

As to claims 13, Rigstad *et al.* in view of Dorenbosch *et al.* teach all of the limitations as in claim 1, above.

Furthermore, Dorenbosch *et al.* teaches wherein said prospective talker is prevented from obtaining floor control if said number of times said prospective talker has been granted floor control exceeds a threshold (see [0049], participant that has been granted a fewer number of times the floor will be granted the floor. The threshold in this case could have been implemented in order to provide a maximum number of times a talker can gain the floor in order to allow all participants to participate equally.).

As to claims 14, Rigstad *et al.* in view of Dorenbosch *et al.* teach all of the limitations as in claim 1, above.

Furthermore, Dorenbosch *et al.* teaches wherein the dynamic priority levels of said talkers are inversely proportional to the number of times said talkers have been granted floor control (see [0049], participant with fewer number of successful attempts is granted floor control. Hence, this is inversely related to

the number of times granted floor control since the participant with the fewest granting of floors will be given the floor.).

As to claims 15 and 16, Rigstad *et al.* in view of Dorenbosch *et al.* teach all of the limitations as in claim 1, above.

Furthermore, Rigstad *et al.* teaches receiving a speech energy level of a current talker in a communication session (see col. 10, lines 6-11) (e.g. It is stated that the host in this case is the current talker or the remote party depending on who has the floor. Energy levels are analyzed.) receiving a speech energy level of a prospective talker (see col.10, lines 6-11) (e.g. The prospective talker is the one that has higher speech energy.));

selecting said prospective talker based on said speech energy level of said prospective talker in comparison to said speech energy level of said current talker (see col. 10, lines 9-11) (e.g. It is seen that the higher energy level is selected.);

and granting said selected prospective talker floor control of said communication session (see lines 3-11) (e.g. Since the Rigstad reference uses half-duplex mode (see col. 10, lines 3-4), it is implied that the one who has the higher energy will have floor control since half duplex only supports one way communication).

Furthermore, Dorenbosch *et al.* does teach the use of dynamic priority levels based on number of times each talker has been granted floor control (see



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[0049], round robin algorithm for granting floor is used. The priority levels are dynamic since the number of times each user is granted floor changes as the number of grants increase or decrease.

However, Rigstad *et al.* in view of Dorenbosch *et al.* do not specifically teach the weighting of the speech energy level with the dynamic priority level.

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have combined the talker arbitration of Rigstad *et al.* in view of Dorenbosch *et al.* with the adjustment of speech energy. The motivation to have combined the references involves alternative method for priority for arbitration when granting floor (see Dorenbosch *et al.* [0049]). It would have been obvious to weight energy levels to a parameter such as number of time granted floor in order to include other factors when arbitrating floors such that the result is not biased towards one parameter and for robustness.

As to claim 17, Rigstad *et al.* in view of Dorenbosch *et al.* teach all of the limitations as in claim 15, above.

Furthermore, Dorenbosch *et al.* teaches the use of a mobile station (see [0016], MS such as a cellular phone and [0049], floor control parameters exchanged at media gateway 120).

Furthermore, Rigstad *et al.* teaches the use of energy level determination of two parties (see col. 10, lines 3-16). It would have been obvious to implement

the receiving of energy levels as taught by Rigstad in a mobile station as the reference deals with telephony.

3. Claims 7, 9, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rigstad *et al.* in view of Dorenbosch *et al.*, as applied to claim 1 above, and further in view of Rosen *et al.* (US 6,912,401).

As to claims 7 and 18, Rigstad *et al.* in view of Dorenbosch *et al.* teaches all of the limitations as in claim 1, above.

Furthermore, Rigstad *et al.* teaches the comparing of energy levels of the host and the remote user (see col.10, lines 6-11).

However, Rigstad *et al.* in view of Dorenbosch *et al.* do not specifically teach the use of priority levels based on the talkers.

Rosen *et al.* does teaches receiving a priority level of said current talker (see col. 3, lines 61-67 and col. 6, lines 8-11) (e.g. The priority levels are assigned to each device (see col. 3, lines 36-44). (e.g. It is seen from the Rosen *et al.* reference that the transmission privilege or floor is granted based on priority.); receiving a priority level of said prospective talker (see col. 3, lines 61-67 and col. 6, lines 8-11); wherein said step of selecting comprises selecting said prospective talker based on priority level of said prospective talker and said static level of said current talker ) (e.g. It is seen from the Rosen *et al.* reference that the transmission privilege or floor is granted based on priority.)

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have combined the talker arbitration of Rigstad *et al.*

in view of Dorenbosch *et al.* with the use of priority level taught by Rosen *et al.*

The motivation to have combined the references involves another parameter for allowing the talker to control floor (see Rosen *et al.*, col. 5, lines 61 and col. 3, lines 61-62), which would benefit the talker arbitration of Rigstad *et al.* in view of Dorenbosch *et al.* allowing the use of speech energy as well as user priority in order to gain the floor as taught by Rosen *et al.* It would have been obvious to weight energy levels to a parameter such as number of time granted flow in order to include other factors when arbitrating floors.

As to claim 9, Rigstad *et al.* in view of Dorenbosch *et al.* in view of Rosen *et al.* teach all of the limitations as in claim 7, above.

Rosen *et al.* teaches priority levels of the talkers based on subscription profiles (see col. 6, lines 7-11) (e.g. It is stated in the Rosen *et al.* reference that user priority information is used, which is related to the subscription profile being used by the Applicant (see Applicant's specification, [0032])).

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rigstad *et al.* in view of Dorenbosch *et al.*, as applied in claim 1, above and further in view of Hershkovits *et al.* (US 2003/0018472).

As to claim 6, Rigstad *et al.* in view of Dorenbosch teach all of the limitations as in claim 1, above.

Furthermore, Rigstad *et al.* teaches the speech energy levels (see col. 10, lines 6-11).

Furthermore, Dorenbosch *et al.* teaches the use of a vocoder (see [0033], vocoder).

However, Rigstad *et al.* in view of Dorenbosch do not specifically teach the encoding of an energy level.

HersHKovits *et al.* teaches the use of a vocoder for encoding and determining the energy signal (see [0015]).

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have combined the talker arbitration of Rigstad *et al.* in view of Dorenbosch *et al.* with incorporation of a vocoder as taught by HersHKovits *et al.* The motivation to have combined the references involves the compression of the speech signals (see HersHKovits *et al.*, [0005]).

5. Claims 21-24, 32-35, 40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorenbosch *et al.* in view of Rigstad *et al.*

As to claims 21, 22, 24, and 35, Dorenbosch teaches

a first mobile (see Figure 1, cellular phone 111) associated with a current talker in a communication session

a second mobile station associated with a prospective talker (see Figure 1, cellular phone 112); a server, connected to said first and second mobile stations (see Figure 1, Media Gateway 120),

said server adapted to enable one of said first and second mobile stations to transmit (see [0044], media gateway 120 receives transmitted information from mobile stations). Dorenbosch *et al.* teaches a third mobile station (see Figure 1, cellular phone 113).

Dorenbosch *et al.* does teach the use of dynamic priority levels based on number of times each talker has been granted floor control (see [0049], round robin algorithm for granting floor is used. The priority levels are dynamic since the number of times each user is granted floor changes as the number of grants increase or decrease.

However, Dorenbosch *et al.* does not specifically teach the use of speech energy levels received from the mobile stations.

Rigstad *et al.* does teach the use of energy levels for half-duplex communication (see col. 10, lines 3-10.).

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have modified the system for talker arbitration taught by Dorenbosch *et al.* with the transmitting of energy levels taught by Rigstad *et al.* The motivation to have combined the references involves the usage of the energy levels to determine who has access to the channel (see Rigstad *et al.*, col. 10, lines 3-6) in order to grant that user the floor based on a threshold limit in the system taught by Dorenbosch *et al.* and Rigstad *et al.*

However, Dorenbosch *et al.* in view of Rigstad *et al.* do not specifically teach the weighting of the speech energy level with the dynamic priority level.

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have combined the talker arbitration of Dorenbosch *et al.* Rigstad *et al.* with the adjustment of speech energy. The motivation to have combined the references involves alternative method for priority for arbitration when granting floor (see Dorenbosch *et al.* [0049]). It would have been obvious to weight energy levels to a parameter such as number of time granted floor in order to include other factors when arbitrating floors such that the result is not biased towards one parameter and for robustness.

As to claims 32, 34, and 40, Dorenbosch *et al.* in view of Rigstad *et al.* in view of Rosen *et al.* teaches all of the limitations as in claim 1, above.

Furthermore, Dorenbosch teaches the priority level of said prospective talker is based on number of times granted floor control (see [0049]) (e.g. The participant with the least number of access of the floor is granted control. Further, the inverse relationship is seen when the fewer floor grants for that participant has priority).

As to claims 33 and 41, Dorenbosch *et al.* in view of Rigstad *et al.* teaches all of the limitations as in claim 1, above.

Furthermore, Dorenbosch *et al.* teaches wherein said prospective talker is prevented from obtaining floor control if said number of times said prospective talker has been granted floor control exceeds a threshold (see [0049], participant

that has been granted a fewer number of times the floor will be granted the floor.

The threshold in this case could have been implemented in order to provide a maximum number of times a talker can gain the floor in order to allow all participants to participate equally.).

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dorenbosch *et al.* in view of Rigstad *et al.* as applied to claim 21 above, and further in view of Toyryla (US 6,999,783).

As to claim 23, in view of Dorenbosch *et al.* in view of Rigstad *et al.* teach all of the limitations as in claim 21, above.

However, Dorenbosch *et al.* in view of Rigstad *et al.* do not specifically teach the use of press-to-talk over cellular.

Toyryla does teach the use of a press-to-talk over cellular (e.g. This is the same as a press-to-talk over cellular) communication system (see col. 4, lines 64-col. 5, lines 1-4).

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have combined the talker arbitration of Dorenbosch *et al.* in view of Rigstad *et al.* with incorporation of press-to-talk over cellular as taught by Toyryla *et al.* The motivation to have combined the references involves another type of communication system that is well known for providing talk group communication (see Toyryla col. 4, lines 64-col. 4, lines 5).

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dorenbosch et al. in view of Rigstad et al. as applied to claim 21 above, and further in view of Hershkovits et al.

Furthermore, Dorenbosch et al. teaches the use of a vocoder (see [0033], vocoder).

Furthermore, Rigstad et al. teaches the speech energy levels (see col. 10, lines 6-11).

However, Dorenbosch in view of Rigstad et al. do not specifically teach the encoding of an energy level.

Hershkovits et al. teaches the use of a vocoder for encoding and determining the energy signal (see [0015]).

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have combined the talker arbitration of Dorenbosch et al. in view of Rigstad et al. with incorporation of a vocoder as taught by Hershkovits et al. The motivation to have combined the references involves the compression of the speech signals (see Hershkovits et al., [0005]).

8. Claims 26, 27, 29, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorenbosch et al. (US 6,999,783) in view of Rigstad et al. as applied to claim 21 above, and further in view of Rosen et al.



As to claims 26, 27, 36, and 37, Dorenbosch *et al.* in view of Rigstad *et al.* teaches all of the limitations as in claim 21, above.

Furthermore, Rigstad *et al.* teaches the comparing of energy levels of the host and the remote user (see Rigstad *et al.*, col.10, lines 6-11).

However, Dorenbosch *et al.* and Rigstad *et al.* do not specifically teach the static priority levels of talkers.

Rosen *et al.* does teaches receiving a priority level of said current talker (see col. 3, lines 61-67 and col. 6, lines 8-11) (e.g. The priority levels are assigned to each device (see col. 3, lines 36-44). (e.g. It is seen from the Rosen *et al.* reference that the transmission privilege or floor is granted based on priority.);

receiving a priority level of said prospective talker (see col. 3, lines 61-67 and col. 6, lines 8-11);

wherein said step of selecting comprises selecting said prospective talker based on priority level of said prospective talker and said static level of said current talker ) (e.g. It is seen from the Rosen *et al.* reference that the transmission privilege or floor is granted based on priority.) The selection of members receiving the priority can be more than two as seen by Figure 1, elements 102, 104, 106 and col. 3, lines 55-57).

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have modified the talker arbitration of Dorenbosch *et al.* in view of Rigstad *et al.* with the use of priority level taught by Rosen *et al.* The

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motivation to have combined the references involves another parameter for allowing the talker to control floor (see Rosen *et al.*, col. 5, lines 61 and col. 3, lines 61-62), which would benefit the communication among groups taught by Dorenbosch *et al.* and comparing of energy levels taught by Rigstad *et al.* the allowing the use of speech energy as well as user priority in order to gain the floor.

As to claim 29, Dorenbosch *et al.* in view of Rigstad *et al.* in view of Rosen *et al.* teach all of the limitations as in claim 26, above.

Furthermore, Rosen *et al.* teaches the priority levels of the talkers based on subscription profiles (see col. 6, lines 7-11) (e.g. It is stated in the Rosen *et al.* reference that user priority information is used, which is related to the subscription profile being used by the Applicant (see Applicant's specification, [0032])).

9. Claims 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rigstad *et al.* in view of Dorenbosch *et al.*

As to claim 44, Rigstad *et al.* teaches a method for talker arbitration, comprising:

receiving a speech energy level of a current talker in a communication session (see col. 10, lines 6-11) (e.g. It is stated that the host in this case is the current talker or the remote party depending on who has the floor. Energy levels are analyzed.) ; receiving a speech energy level of a prospective talker (see

col.10, lines 6-11) (e.g. The prospective talker is the one that has higher speech energy.);

selecting said prospective talker based on said speech energy level of said prospective talker in comparison to said speech energy level of said current talker (see col. 10, lines 9-11) (e.g. It is seen that the higher energy level is selected.); and

granting said selected prospective talker floor control of said communication session (see lines 3-11).

However, Rigstad *et al.* does not specifically teach the use of static or dynamic priority levels based on the talkers.

Dorenbosch *et al.* does teach the use of dynamic priority levels based on number of times each talker has been granted floor control (see [0049], round robin algorithm for granting floor is used. The priority levels are dynamic since the number of times each user is granted floor changes as the number of grants increase or decrease.

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have combined the talker arbitration of Rigstad *et al.* with the use of priority level taught by Dorenbosch *et al.* The motivation to have combined the two references involves another parameter for allowing the talker to control floor and for allowing arbitration among users (see Dorenbosch *et al.*, [0049]), which would benefit the talker arbitration of Rigstad *et al.* allowing the

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use of speech energy as well as user priority in order to gain the floor as taught by Dorenbosch *et al.*

However, Rigstad *et al.* in view of Dorenbosch *et al.* do not specifically teach the weighting of the speech energy level with the dynamic priority level.

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have combined the talker arbitration of Rigstad *et al.* in view of Dorenbosch *et al.* with the adjustment of speech energy. The motivation to have combined the references involves alternative method for priority for arbitration when granting floor (see Dorenbosch *et al.* [0049]). It would have been obvious to weight energy levels to a parameter such as number of time granted floor in order to include other factors when arbitrating floors such that the result is not biased towards one parameter and for robustness.

### **Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paras Shah whose telephone number is (571)270-1650. The examiner can normally be reached on MON.-THURS. 7:00a.m.-4:00p.m. EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571)272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P.S.

11/16/2007



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SUPERVISORY PATENT EXAMINER